

1 Counsel Listed on Following Pages
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11 **IN THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 Rebecca VanHattem and Genia
14 Castillo, individually, on behalf of
15 others similarly situated, and on
16 behalf of the general public,
17 v.

Plaintiffs,

18 United Mortgage Group, Inc.,
19 Parminder Johal, Peter Johal a/k/a/
20 Petr Johal, and DOES 1-10
21 inclusive,

Defendants.

12 **CASE NO: CV-08-01065 PJH**
13 **STIPULATION AND [proposed]**
14 **ORDER TOLLING THE STATUTE**
15 **OF LIMITATIONS FOR FLSA**
16 **CLAIMS AND CONTINUING THE**
17 **INITIAL CASE MANAGEMENT**
18 **CONFERENCE AND RELATED**
19 **DEADLINES**

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27 UNITED MORTGAGE GROUP, INC.,
28 PARMINDER JOHAL AND PETER JOHAL

1 WHEREAS, Plaintiffs Rebecca VanHattem and Genia Castillo, individually
2 and on behalf of the putative classes (collectively, "Plaintiffs"), and Defendants
3 United Mortgage Group, Inc., Parminder Johal, Peter Johal a/k/a Petr Johal
4 (collectively "Defendants") have agreed to engage in private mediation of this
5 matter;

6 WHEREAS, Plaintiffs have agreed to withhold their motion for conditional
7 class certification of their Fair Labor Standards Act ("FLSA") claims until after the
8 parties engage in mediation;

9 WHEREAS, Defendants have agreed to withhold their motion to dismiss the
10 FLSA claims and their motion to compel arbitration until after the parties engage in
11 mediation;

12 WHEREAS, the statute of limitations for putative class members' FLSA
13 claims continues to run until they file consent forms in this matter;

14 WHEREAS, the parties filed their ADR selection stipulation on May 15,
15 2008 agreeing that mediation will take place within 90 days of the Court's order
16 regarding the same;

17 WHEREAS, the deadline for the parties to file their/serve their Joint Rule
18 26(f) report, Case Management Statement, and initial disclosures is currently set for
19 May 29, 2008; and,

20 WHEREAS, the initial Case Management Conference is currently scheduled
21 for June 6, 2008;

22 IT IS HEREBY STIPULATED by and between the parties that the statute of
23 limitations for putative class members' FLSA claims will be tolled from May 15,
24 2008 until 7 days after the last scheduled day of mediation.

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1 The parties further JOINTLY REQUEST that the Court continue the May 29,
 2 2008 deadlines and the June 6, 2008 Case Management Conference for a period of
 3 90 days to allow the parties to complete the mediation and potentially resolve the
 4 matter without further action.

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6 Dated: May 15, 2008

NICHOLS KASTER & ANDERSON, LLP
 By: s/Matthew C. Helland
 Matthew C. Helland

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DATED: May 15, 2008

OGLETREE, DEAKINS, NASH, SMOAK
 & STEWART, P.C.

By: s/Margaret H. Gillespie
 Margaret H. Gillespie
 Attorneys for Defendants
 UNITED MORTGAGE GROUP, INC.,
 PARMINDER JOHAL, and PETER JOHAL

GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.

The Case Management Conference is hereby continued to September ___,
 2008, at _____. In the event the matter is not resolved at mediation, the parties'
 Joint Rule 26(f) report, Case Management Statement, and initial disclosures will be
 due eight (8) calendar days before the newly scheduled Case Management
 Conference.

Dated: _____

 Honorable Phyllis J. Hamilton
 United States District Court Judge